

1 TUCKER ELLIS & WEST LLP
2 EVAN C. NELSON – STATE BAR NO. 172957
3 LILLIAN C. MA – STATE BAR NO. 210103
4 135 Main Street, Suite 700
5 San Francisco, California 94105
Telephone: 415.617.2400
Facsimile: 415.617.2409
evan.nelson@tuckerellis.com
lillian.ma@tuckerellis.com

6 Attorneys for Defendant
7 CARRIER CORPORATION

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JUN 27 2008
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CARRIER CORPORATION*
E-filing

EDL

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 11 ROBERT SCHOELZEL,

CV Cas 08

3113

12 Plaintiff,

13 v.
14 DEFENDANT CARRIER
15 CORPORATION'S NOTICE OF
16 PENDENCY OF OTHER ACTION OR
17 PROCEEDING

Civil L.R. 3-13

ASBESTOS DEFENDANTS, As Reflected on
Exhibits, et al.,

Defendants.

18
19 TO THE CLERK OF THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF
20 RECORD:

21 PLEASE TAKE NOTICE that pursuant to Civil L.R. 3-13, defendant Carrier Corporation
22 ("Carrier") hereby notifies the Court that the above-entitled action appears to involve all or a
23 material part of the same subject matter as other actions which are pending in the United States
24 District Court for the Eastern District of Pennsylvania, where all Federal Court asbestos personal
25 injury actions have been centralized pursuant to the Order of the judicial panel on multi-district
26 litigation for coordinated or consolidated pretrial proceedings pursuant to U.S.C. § 1407 ("MDL
27 Transfer Order").

28

1 In its MDL Transfer Order, the judicial panel found that the consolidated actions, similar
2 to the instant case, dealt with common questions of fact relating to injuries or wrongful death
3 allegedly caused by exposure to asbestos, ““and that centralization under § 1407 in the Eastern
4 District of Pennsylvania will best serve the convenience of the parties and witnesses and promote
5 the just and efficient conduct of this litigation.”” *Fung v. Abex Corp.* 816 F.Supp. 569, 573
6 (N.D. Cal. 1992). The MDL Transfer Order also applies to “tag-along actions,” or actions
7 involving common questions of fact filed after the January 1991 filings of the Panel’s Order to
8 Show Cause. See Carrier’s Notice of Tag-Along Action filed concurrently herewith.

9 Accordingly, because the above-entitled case involves a claim for injuries allegedly
10 caused by exposure to asbestos, Carrier requests that this action be transferred to the United
11 States District Court for the Eastern District of Pennsylvania pursuant to the multi-district
12 litigation procedures to conserve resources and promote an efficient determination of the action.

13
14 DATED: June 27, 2008

TUCKER ELLIS & WEST LLP

15
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17 By:



Evan G. Nelson
Lillian C. Ma
Attorneys for Defendant
CARRIER CORPORATION

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9 **UNITED STATES DISTRICT COURT**
10
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 ROBERT SCHOELZEL,

Case No.

13 Plaintiff,

14 **DEFENDANT CARRIER**
CORPORATION'S NOTICE OF TAG-
ALONG ACTION

15 ASBESTOS DEFENDANTS, As Reflected on
Exhibits, et al.,

16 Multi-District Rule 7.5(e)

17 Defendants.

18
19 TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF
20 RECORD:

21 PLEASE TAKE NOTICE that on July 29, 1991, the Judicial Panel on Multidistrict
22 Litigation entered an order transferring all asbestos cases pending in federal court to the United
23 States District Court, Eastern District of Pennsylvania, for coordinated or consolidated pretrial
24 proceedings pursuant to U.S.C. § 1407 (“MDL Transfer Order”). That order also applies to “tag-
25 along actions,” or actions involving common questions of fact filed after the January 1991 filings
26 of the Panel’s Order to Show Cause. MDL Rule 13(e) provides:

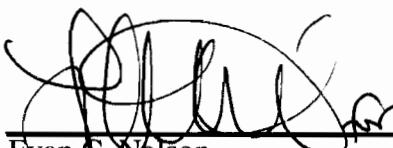
27 Any party or counsel in actions previously transferred under
28 section 1407 or under consideration by the Panel for transfer under

1 section 1407 shall promptly notify the Clerk of the Panel of any
2 potential "tag-along actions" in which that party is also named or
3 in which that counsel appears.

4 The undersigned hereby notifies the court that this is a potential "tag-along action" which
5 may be subject to transfer to the Eastern District of Pennsylvania. The Clerk of the Panel may
6 either: (1) enter a conditional transfer order pursuant to MDL Rule 12(a), or (2) file an order to
7 show cause why the action should not be transferred, pursuant to MDL Rule 13(b).

8
9 DATED: June 27, 2008

TUCKER ELLIS & WEST LLP

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11 By: 
12 Evan C. Nelson
13 Lillian C. Ma
14 Attorneys for Defendant CARRIER
15 CORPORATION

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